

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN (Detroit)**

In re:
Khalid Abuali
aka Khalid Asad Abuali
Debtor.

Chapter 7 No. 19-46202-tjt

Hon. Thomas J. Tucker

**MOTION FOR RELIEF FROM THE AUTOMATIC STAY AND ENTRY OF
ORDER WAIVING THE PROVISION OF FRBP 4001(A)(3)**

NOW COMES Specialized Loan Servicing, LLC, by and through its attorneys, Trott Law, P.C., and shows unto this Honorable Court as follows:

1. That Movant is a holder of a mortgage on property owned by the Debtor(s) and located at 2032 Tradition Dr, Canton, MI 48187-5808 (see attached copy of loan document(s));
2. That the Debtor(s) filed Chapter 7 Bankruptcy on April 24, 2019;
3. That pursuant to 11 U.S.C. § 362(d)(1), upon request of a party in interest, the court shall grant relief from stay for cause, including lack of adequate protection of such party in interest;
4. That pursuant to the mortgage agreement, the Debtor(s) are required to remit monthly payments to Movant currently in the amount of \$1,220.93;
5. That Trott Law, P.C. has been informed by Movant that, the Debtor(s) has failed to remit the required payments;
6. That Movant is not adequately protected as the direct payments are not being remitted and the loan is currently eight (8) months in default, due and owing for November 1, 2018. At the time of the default, the payment amount was \$1,157.58. Payment amounts may have changed since that time;
7. That pursuant to 11 U.S.C. § 362(d)(2)(A) and (B), the Court shall grant relief from the stay if the Debtors do not have any equity in the property and the property is not necessary to an effective reorganization;

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8. That the approximate market value of the subject property is \$420,000.00, according to Schedules A and D;

9. That after the hypothetical costs of the sale of the subject property are deducted, the true approximate market value is \$378,000.00;

10. That as of June 19, 2019, the total debt owing to Movant was approximately \$312,917.73, which includes Movant's attorney fees and costs for filing this motion;

11. That to the knowledge and belief of Movant, City of Canton Treasurer/Water Department may have an additional \$830.00 interest, Founders Woods Association may have an additional \$4,788.00 interest and Wells Fargo Home Mortgage may have an additional \$64,349.00 interest in the subject property;

12. That no other creditor will receive any benefit from the sale of the subject property;

13. Movant requests termination of the automatic stay of 11 U.S.C. § 362(a) to allow Movant (and any successors or assigns) to proceed under applicable non-bankruptcy law to enforce its remedies to foreclose upon and/or obtain possession of the property.

14. That in the event the automatic stay is terminated to allow Creditor to commence or continue its federal and/or state law rights as to the property, and Creditor deems the property is physically abandoned by the debtor(s)/homeowner(s), or by consent of the debtor(s)/homeowner(s), Creditor may also seek to shorten the Michigan post foreclosure statutory redemption period. A Chapter 7 Trustee may have the same rights and defenses as the Debtor(s) should Creditor seek to shorten the redemption period.

15. Bonial & Associates services the loan on the Property referenced in this Motion. In the event the automatic stay in this case is modified, this case dismisses, and/or the Debtor obtains a discharge and a foreclosure action is commenced on the mortgaged property, the foreclosure will be conducted in the name of Movant. Movant, directly or

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through an agent, has possession of the Note. The Note is either made payable to Movant or has been duly endorsed.

16. That pursuant to Local Bankruptcy Rule 9014-1(b)(1), attached is a copy of the proposed ORDER GRANTING RELIEF FROM THE AUTOMATIC STAY AND WAIVING THE PROVISION OF FRBP 4001(a)(3) labeled as Exhibit "1";

17. That in the event a hearing on this motion is held and after said hearing the Court orders submission of an order in substantial compliance with Exhibit 1, presentment of said order shall be waived;

18. Concurrence from debtor's attorney and from Chapter 7 trustee was sought by Movant's attorney's office on May 10, 2019 and concurrence was not able to be obtained from all parties.

WHEREFORE, Movant respectfully requests that the Court enter an ORDER GRANTING RELIEF FROM THE AUTOMATIC STAY AND WAIVING THE PROVISION OF FRBP 4001(a)(3) for good cause shown pursuant to 11 U.S.C. §362(d)(1) and/or (d)(2), and that the Order is effective immediately upon entry by this Court notwithstanding the provision of FRBP 4001(a)(3); and whatever other relief the Court deems just and equitable.

Respectfully Submitted,
Trott Law, P.C.

Dated: June 21, 2019

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EXHIBIT 1

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN (Detroit)**

In re:
Khalid Abuali
aka Khalid Asad Abuali

Debtor.

Chapter 7 No. 19-46202-tjt

Hon. Thomas J. Tucker

**ORDER GRANTING RELIEF FROM THE AUTOMATIC STAY AND WAIVING THE PROVISION
OF FRBP 4001(a)(3)**

Movant, Specialized Loan Servicing, LLC, by and through its attorneys, Trott Law, P.C., having filed a Motion For Relief From The Automatic Stay with respect to the property located at 2032 Tradition Dr, Canton, MI 48187-5808; and the Court being in receipt of the Motion, and the Court being fully advised in the premises:

IT IS HEREBY ORDERED that the Automatic Stay is hereby terminated as to Movant with respect to the property located at 2032 Tradition Dr, Canton, MI 48187-5808 to allow Creditor to commence or continue its federal and/or state law rights to the property. In the event Creditor deems the property is physically abandoned by the debtor(s)/homeowner(s), or by consent of the debtor(s)/homeowner(s), Creditor may also seek to shorten the Michigan post foreclosure statutory redemption period. A Chapter 7 Trustee may have the same rights and defenses as Debtor(s) should Creditor seek to shorten the redemption period. This Order is effective immediately upon entry by this Court notwithstanding the provision of FRBP 4001(a)(3). This Order shall be binding and effective despite any conversion of this bankruptcy case to a case under any other chapter of Title 11 of the United States Bankruptcy Code.